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General Assembly

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Fifty-sixth session

Request for the inclusion of an item in the provisional agenda of the fifty-sixth session

Observer status for the International Development Law Institute in the General Assembly

Letter dated 19 June 2001 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

In accordance with rule 13 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the provisional agenda of the fifty-sixth session of the General Assembly of an item entitled "Observer status for the International Development Law Institute in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (annex I) in support of the above request and a draft resolution (annex II) are attached.

It would be appreciated if this note and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Gerhard **Pfanzelter**
Ambassador

01-42497 (E) 260601

Annex I

Explanatory memorandum

1. The International Development Law Institute fulfils the legal criteria for observer status in the United Nations General Assembly

In its decision 49/426 of 9 December 1994, adopted without a vote, the General Assembly, on the recommendation of the Sixth Committee, and taking note of the oral report presented to the Sixth Committee on 25 November 1994 by the Chairman of the Working Group on the question of criteria for the granting of observer status in the General Assembly, decided that the granting of observer status in the General Assembly should in future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly.

The International Development Law Institute (IDLI) was founded in 1987 by an international treaty, the Agreement for the Establishment of the International Development Law Institute. IDLI was established as an international intergovernmental organization to promote and to actively assist in the use of legal resources in the development process.

According to its statute, the object and purpose of the Institute are:

1. To encourage and facilitate the improvement and use of legal resources in the development process;

2. To encourage adherence to the rule of law in international transactions;

3. To improve the negotiating capability of developing countries in the fields of development cooperation, foreign investment, international trade and other international business transactions.

In order to accomplish these goals, IDLI undertakes a variety of activities, such as legal development training, technical assistance, research, publication of relevant articles and materials, as well as the operation of a legal documentation centre.

2. Membership

According to the statute, membership in IDLI is open to all States. As at 31 March 2001, the following States in all regions of the world are members of IDLI:

Australia	Ecuador	Philippines
Austria	Egypt	Senegal
Bulgaria	France	Sudan
China	Italy	Tunisia
Colombia	Netherlands	United States of America

Four further States have initiated the accession procedure and IDLI would welcome further applications for membership by interested States.

3. Institutions/structure

The Institute consists of an Assembly of the member States, a Board of Directors and a Director-General and staff. The Assembly approves the Institute's work plan and budget and reviews its activities. In addition, it has to ratify Board appointments, thus maintaining control over Board membership.

Board members serve in their personal capacities on the basis of professional accomplishments in the field of law or development.

4. Advantages for the United Nations in granting observer status to the International Development Law Institute

The various activities of IDLI advance in a practical manner many of the objects and purposes of the United Nations, particularly in the fields of development and the wider dissemination and appreciation of international law. It is the statutory mission of the Institute to support the United Nations, its Secretary-General and its officials in this endeavour.

The Secretary-General in his millennium report to the General Assembly (A/54/2000) reaffirmed his commitment to the international rule of law as the foundation of much of the social and economic progress achieved in recent decades and stressed his determination to further enhance the international rule of law in the new millennium.

A closer link with IDLI would provide the United Nations with a further resource in its work in the fields of development and international law.

5. Advantages for the International Development Law Institute in obtaining observer status in the General Assembly

Observer status will greatly benefit the Institute's ability to achieve its goals. IDLI will be able to follow closely the deliberations in the General Assembly and gain access to contacts and information in a forum that often deals indirectly with adherence to the rule of law in international transactions and the improvement of the use of legal resources in the development process.

Unlike most intergovernmental organizations, IDLI relies solely upon voluntary contributions for institutional and project support. Observer status would provide the Institute with further endorsement from the international community of its mission and accomplishments, and thus provide a higher profile for IDLI as an institution.

Observer status could initiate closer interaction with all the relevant organs of the United Nations system whenever it seems appropriate for the furtherance of aims common to the United Nations and IDLI.

Annex II

Draft resolution

Observer status for the International Development Law Institute in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the International Development Law Institute,

1. *Decides* to invite the International Development Law Institute to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

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Request for the inclusion of a sub-item in the provisional agenda of the fifty-sixth session

Elections to fill vacancies in principal organs: election of a member of the International Court of Justice

Note by the Secretary-General

1. By a letter dated 12 June 2001, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter dated 14 June 2001 from the President of the International Court of Justice, Judge and former President Mohammed Bedjaoui informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 30 September 2001. A vacancy in the Court will therefore occur on 30 September 2001.

2. Judge and former President Bedjaoui was elected a member of the Court as from 19 March 1982 and was re-elected as from 6 February 1988 and from 6 February 1997. He was the President of the Chamber formed to deal with the case concerning the frontier dispute (Burkina Faso/Republic of Mali, 1983-1987), and was President of the Court from 1994 to 1997.

3. By a letter dated 19 June 2001, the Security Council was informed of the occurrence of this vacancy in the Court.

4. The preliminary list of items to be included in the provisional agenda of the fifty-sixth session of the General Assembly (A/56/50) does not contain a sub-item concerning the election of members of the International Court of Justice. The Secretary-General therefore deems it necessary to include in the provisional agenda of the fifty-sixth session of the General Assembly, pursuant to rule 13 (g) of the rules of procedure of the General Assembly, under item 15, entitled "Elections to fill vacancies in principal organs", a sub-item entitled "Election of a member of the International Court of Justice".

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